

REMARKS

At the time of the Office Action dated March 9, 2005, claims 1-44 were pending and rejected in this application.

CLAIMS 1-44 ARE REJECTED UNDER THE FIRST PARAGRAPH OF 35 U.S.C. § 112

On page 3 of the Office Action, the Examiner asserted that claims 1-44 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Examiner asserted:

The claims are a mere illustration of mathematical equations or scientific principals of nature with no specific application.

This rejection is respectfully traversed.

Since the Examiner has also concluded that the invention is directed to non-statutory subject matter (i.e., a rejection under 35 U.S.C. § 101), Applicants presume that the Examiner has made a determination that the claimed invention fails to meet the utility requirement of 35 U.S.C. § 101. As noted in M.P.E.P. § 2164.07, where the Examiner is basing a rejection under the first paragraph of 35 U.S.C. § 112 for lack of utility, the Examiner has the initial burden of showing that one of ordinary skill in the art would reasonably doubt the asserted utility.

The claimed method and machine are directed to outputting a value of a first polynomial $p(x)$ representing a property of a mathematically modeled physical system.